

Memorandum

To: Chair and Commissioners

Date: September 20, 2002

From: Diane C. Eidam

File No: Reference No. 4.1
ACTION

Ref: STATE LEGISLATION

The Legislature approved the FY 2002-2003 budget late on August 31, 2002. The Governor signed the budget on September 5, 2002, including vetoes of items for \$235 million. The budget vetoes of transportation items are listed below.

The status of the transportation bills of interest to the Commission that were passed by the Legislature, along with the Governor's actions on these bills as of September 19, 2002, are also given below. Staff will provide an update of the Governor's action at the Commission meeting.

At the August meeting the Commission discussed **AB 2389 (Dutra)** which would have required Caltrans and the Commission to allocate 75% of the federal transportation enhancement activity funds received by California to regional agencies as local assistance funds to be apportioned using the county share formula, and 25% of those federal funds to projects nominated by Caltrans. Assemblyman Dutra did not move this bill at the end of the session and it died in the Senate Transportation Committee.

BUDGET VETOES RELATED TO TRANSPORTATION

The Governor made the following deletion from the Special Transportation Programs budget.

Item 2640-102-0046 For local assistance, Special Transportation Programs. I delete this item.

I am deleting the \$5,100,000 legislative augmentation for Special Transportation Programs. The program will receive its statutory allocation of \$98,018,000 even with this deletion. I am taking this action to conform the budget to the extent possible to the 2002 State Transportation Improvement Program (STIP) Fund Estimate. The Fund Estimate identifies \$39.2 million of Public Transportation Account funds available for allocation by the California Transportation Commission for intercity rail and other projects through the STIP. I cannot support an augmentation for Special Transportation Programs at this time because the resources available for STIP allocations will be less than estimated and I want to ensure the retention of any available resources for that purpose.

The Governor made the following deletions from the Department of Transportation budget.

Item 2660-013-0042 For transfer by the Controller, upon order of the Director of Finance, from the State Highway Account, State Transportation Fund, to the Traffic Congestion Relief Fund. I revise this item by deleting Provision 2.

I am deleting Provision 2 that requires the transfer from the State Highway Account to the Traffic Congestion Relief Fund be made on an as needed basis rather than once at the beginning of the fiscal year. This language would require additional monitoring and accounting activities by the Department of Transportation, the Department of Finance, and the State Controller's Office that would otherwise not be necessary, which results in additional costs to the State. As such, this language is unnecessarily restrictive and interferes with the Administration's ability to manage State programs.

Item 2660-491 Reappropriation, Department of Transportation. I revise this item by deleting Schedule (3) under 0001-General Fund of this item.

I am deleting Schedule (3) by reducing the amount available for reappropriation by \$1,500,000 in unexpended funds in Item 2660-101-0001, Budget Act of 2000, for the purpose of a transit station project in Santa Clara County. My veto will enable the \$1,500,000 to revert to the General Fund. The reappropriation would have redirected the funds to a child care facility project adjacent to the transit station. Notwithstanding the merits of this project, this action is essential due to limited resources in the General Fund. It should be noted that this Budget Act contains \$1,403,396,000 in State funds for the Department of Education to fund child development and childcare programs. Additionally, the Department of Housing and Community Development administers a loan program for the construction of new childcare facilities.

Item 2660-496. Reversion, Department of Transportation. I revise this item by decreasing Schedule (1) by \$16,937,000 and Schedule (2) by \$48,720,000.

I am revising Schedules (1) and (2) as follows to provide funds for unanticipated encumbrances for transportation projects:

0042.State Highway Account

(1) Item 2660-101-0042, Budget Act of 1998 (Ch. 324, Stats. 1998)

(a) 20.25 - Highway Transportation - State Local Partnership ~~\$88,937,000~~ \$72,000,000

(2) Item 2660-101-0042, Budget Act of 1999 (Ch. 50, Stats. 1999)

(a) 20.30 - Highway Transportation - Local Assistance ~~\$65,720,000~~ \$17,000,000

FINAL STATUS OF TRANSPORTATION BILLS PASSED BY THE LEGISLATURE

AB 857 (Wiggins) – Infrastructure Planning

SUMMARY: Amended 08/26/02. Existing law requires the Governor, in conjunction with the annual Governor's Budget, to submit to the Legislature a proposed 5-year infrastructure plan. This bill clarifies the information that is required to be included in a proposal for funding state infrastructure identified in the 5-year plan, concerning infrastructure needed by state agencies, schools, and postsecondary educational institutions and a proposal for funding the needed infrastructure. Infrastructure needs are to be identified for all areas except transportation. For transportation only the aggregate funding for transportation as identified in the STIP Fund Estimate is required.

Existing law requires the Governor to prepare and cause to be maintained, reviewed, and revised a comprehensive State Environmental Goals and Policy Report. This bill would require any revision to the report on and after 1/01/04, to provide that the goals are consistent with state planning priorities defined in this bill, and would require a state agency that requests infrastructure to specify how that infrastructure is consistent with those priorities. The priorities support infrastructure that supports infill development and redevelopment, cultural and historic resources, environmental and agricultural resources, and efficient development patterns. The bill states that revisions to the State Environmental Goals and Policy Report shall be consistent with the state planning priorities, and that the report shall serve as a guide for state expenditures. The key to the Commission is whether the state planning priorities raise any concerns.

STATUS: Passed Senate 08/29/02
Passed Assembly 08/29/02
To Governor

AB 2078 (Kelley Briggs) – Joint Powers Authorities Self Insurance Rail Consolidation Funding

SUMMARY: Amended 08/31/02, No longer deals with transportation.

STATUS: Passed Senate and Assembly 08/29/02
To Governor

AB 2206 (Salinas) - Transportation: Rail Service

SUMMARY: Requires that funds previously allocated to the City of Seaside for the Fort Ord rail station right-of-way acquisition could also be used by the Transportation Agency for Monterey County for work at the Monterey Bay rail station without additional approval.

STATUS: Passed Assembly 05/29/02
Passed Senate 08/27/02
To Governor

AB 2333 (Nakano) - Transportation: Regional Transportation Plans

SUMMARY: Amended 05/16/02. This bill would require the Southern California Association of Governments (SCAG) to assure that the aviation program of the regional transportation plan prepared and adopted by its SCAG provides a fair share distribution of the burdens among the counties in the SCAG region and that principles of environmental justice are followed in

developing the aviation program. The bill would require SCAG to adhere to principles of environmental justice by conforming to provisions of applicable state law in developing the aviation program.

STATUS: Passed Assembly 05/29/02
Passed Senate 08/29/02
To Governor

AB 2360 (Dutra) - Freeway Service Patrols

SUMMARY: Specifies that the funding for emergency roadside assistance on a freeway located in an urban area be made using a formula-based allocation. Creates the Competitive Freeway Service Patrol Grant Program to provide funding for a freeway service patrol system to reduce traffic congestion. Requires the Department of Transportation to develop specified guidelines for this program. This section shall be operative only if funds are appropriated for its purposes in the annual Budget Act.

STATUS: Passed Assembly 05/29/02
Passed Senate 08/29/02
Signed by the Governor 09/14/02
Chapter 578, Statutes of 2002 09/16/02

AB 2511 (Dutra) – Public Utilities Relocation

SUMMARY: This bill would authorize a relocation agreement between certain utilities, cable television corporations, or cable operators and the Santa Clara Valley Transportation Authority, entered into in connection with a transit or transportation capital improvement project, to provide that, if a utility, cable television corporation, or cable operator abandons utility relocation work under a relocation agreement, the authority may, pursuant to the terms of the relocation agreement, assume from the utility, cable television corporation, or cable operator the work of relocating related utilities.

STATUS: Passed Senate 08/14/02
Passed Assembly 08/19/02
Signed by the Governor 09/17/02
Chapter 655, Statutes of 2002 09/18/02

AB 2535 (Diaz) – Transportation Congestion Report

SUMMARY: This bill requires Caltrans, within existing resources, to collect, analyze, and summarize highway congestion data and make it available upon request to California regional transportation planning agencies, congestion management agencies, and transit agencies.

STATUS: Passed Senate 08/12/02
Passed Assembly 08/19/02
Signed by the Governor 09/05/02
Chapter 392, Statutes of 2002 09/06/02

AB 2630 (Cogdill) - Airport Security: Airport Improvement Grants

SUMMARY: Amended 08/30/02. This bill would, until December 31, 2006, authorize Caltrans, upon allocation of funds by the commission, to pay a public entity up to 100% of the local matching share of a federal Airport Improvement Program grant for security projects at small general aviation airports (fewer than 80,000 annual airport operations).

STATUS: Passed Senate 08/31/02
Passed Assembly 08/31/02
To Governor

AB 2650 (Lowenthal) - Air Pollution: Diesel Emissions: Particulate Matter

SUMMARY: Amended 08/21/02. Would require each marine terminal in the state to operate in a manner that does not cause the engines on trucks to idle for more than 30 minutes while waiting to load or unload at the terminal, and would charge the Air Quality Management District with geographical jurisdiction over that marine terminal with enforcing the requirement. The bill would make any owner or operator of a marine terminal that acts in violation of that requirement subject to a fine. The bill would also make any action taken by a marine terminal to pass the costs of that fine onto the owner or operator of a truck a violation of nonvehicular air pollution control laws. The bill would impose a fine on the owner or operator of the marine terminal or port for taking any action to divert idling trucks to area freeways or alternate staging areas. The bill would exempt from the requirement any marine terminal that provides fully staffed receiving and delivery gates two hours prior to and after, peak commuter hours each day, at least five days per week. The bill also would exempt from the requirement, until July 1, 2003, any marine terminal that implements, or begins to implement, a scheduling or appointment system for trucks to enter the marine terminal. The bill would create the California Port Community Air Quality Program in the Bay Area Air Quality Management District and the South Coast Air Quality Management District, to provide grants to offset the advanced introduction of projects that reduce on-road emissions of particulate matter within communities adjacent to marine terminals or ports within the jurisdiction of those districts.

STATUS: Passed Senate 08/27/02
Passed Assembly 08/28/02
To Governor 09/11/02

AB 2996 (Committee on Budget) – Revolving Loan Program

SUMMARY: Amended 06/29/02. Would require Caltrans to act as a lender in administering the Local Transportation Loan Program. The bill would require Caltrans to develop guidelines and loan documents for the program and to present them to the Commission for adoption. The bill would create the Local Transportation Loan Account in the State Highway Account in the State Transportation Fund for the management of funds for loans to local entities. The money in the new account would be continuously appropriated to the department. The bill would require Caltrans to report to the Legislature annually on the program.

Repeals provisions creating the Seismic Safety Retrofit Account and transfers all remaining funds to the State Highway Account effective June 30, 2002, with any outstanding encumbrances to be paid from the State Highway Account. The bill would authorize Caltrans to administer local seismic safety bridge retrofit projects consistent with requirements applicable to other local

bridge projects and to allocate State Highway Account funds to those projects to the extent funding is provided through the annual Budget Act.

Would authorize Caltrans, in consultation with the Department of Finance and the Office of the State Treasurer, to invest bond or commercial paper proceeds deposited into the Toll Bridge Seismic Retrofit Account in the State Transportation Fund in obligations permitted by the Treasurer, and would require those investments to be included as cash balance for purposes of reporting the condition of the account. The bill would prohibit the use of this interest income or of reserve funds to pay project costs in excess of a specified amount, and would prohibit the existence of reserve funds, other than debt service reserve funds, subsequent to the completion of seismic retrofit projects. The bill would authorize the Department of Finance to establish the accounting and a reporting system used to determine the expenditures, cash needs and the balance of the account.

STATUS: Passed Assembly 09/01/02
Passed Senate 06/29/02
To Governor

AB 3025 (Committee on Transportation) - Environmental Enhancement Project

SUMMARY: Amended 08/26/02. Requires the Department of Transportation to extend the completion date for the following Environmental Enhancement and Mitigation Projects;

- (a) the Ueda Parkway Off-Road Recreation and Environmental Enhancement Project in the City of Sacramento (Project No. EEM-0099-52; Agreement No. 03-99-01) to June 30, 2007,
- (b) the Eastern Sierra Interagency Visitor Center Environmental Enhancement and Mitigation Project in Lone Pine (Project No. EEM-099 (112)) to June 30, 2007,
- (c) the Cambria Community Services District project (Project No. 96-28) to June 30, 2004, and
- (d) the Dry Creek Parkway Environmental Enhancement and Mitigation Project in the County of Sacramento (Project No. EEM 0099-027, Agreement No. 03-99-12) to June 30, 2004.

The bill also revises the State Contract Act with regard to the partial payment amount and limit with respect to large, complex projects over water requiring marine access.

STATUS: Passed Senate 08/27/02
Passed Assembly 08/28/02
To Governor 09/11/02

AB 3026 (Committee on Transportation) - TRANSPORTATION

SUMMARY: Amended 08/05/02. Existing law continuously appropriates to the Treasurer the amounts identified in the Budget Act as having been deposited in the State Highway Account in the State Transportation Fund from federal transportation funds and pledged by the California Transportation Commission, for the purposes of issuing federal highway grant anticipation notes (GARVEEs) to fund transportation projects selected by the Commission. Projects eligible for this special funding are limited to transportation projects that have been designated for accelerated construction by the Commission, including toll bridge seismic retrofit projects, projects approved for funding under the Traffic Congestion Relief Act of 2000, and projects programmed under the current adopted State Transportation Improvement Program (STIP) or the current State Highway Operation and Protection Program. Existing law requires that all funds allocated to a project under the GARVEE provisions be counted against the STIP county share

for the county in which the project is located. This bill would instead provide that the projects included in the STIP would be counted against the STIP interregional improvement program share for a project in the interregional improvement program and the county share for the county in which a project is located for a project in a regional improvement program.

STATUS: Passed Senate 08/12/02
Passed Assembly 08/19/02
Signed by the Governor 09/05/02
Chapter 438, Statutes of 2002 09/09/02

ACA 11 (Richman) – Infrastructure Finance

SUMMARY: Amended 08/31/02. If approved by the voters at an election in 2004, would establish the California Twenty-First Century Infrastructure Investment Fund in the State Treasury. The measure would cause a specified percentage of revenues to be transferred from the General Fund to the infrastructure fund, beginning with 1% in the FY2006-07 and increasing to 3% in FY 2013-14. The percentage of revenues to be transferred each year would be subject to the rate of increase of total General Fund revenues compared to the prior fiscal year. The annual amount transferred to the infrastructure fund shall be reduced by an amount equal to the sales tax revenue in each fiscal year that is redirected to the Traffic Congestion Relief and Safe School Bus Trust Fund pursuant to Proposition 51 if that measure is approved by the voters in November 2002. The measure would require the Department of Finance to prepare an annual plan to expend these funds, unless the Governor directs another state agency to carry out this responsibility.

Would require that the funds in the infrastructure fund be allocated by the Legislature for capital outlay purposes, of which 50% would be for acquisition, construction, rehabilitation, modernization, or renovation of state-owned infrastructure and 50% would be for acquisition, construction, rehabilitation, modernization, or renovation of local government infrastructure, including, but not limited to, streets, roads, highways, transportation, water, parks, and open space, that is owned by local governments, including cities, counties, a city and county, and special districts, but **not** school districts or community college districts.

STATUS: Passed Senate 08/31/02
Passed Assembly 08/31/02
Resolution Chapter 185 09/18/02

SB 246 (Brulte) – Route 66 Relinquishment

SUMMARY: Authorizes the California Transportation Commission to relinquish to the City of Rancho Cucamonga the portion of Route 66 that is located within the city limits, upon terms and conditions the commission finds to be in the best interests of the State.

STATUS: Passed Assembly 08/12/02
Passed Senate 08/14/02
Signed by the Governor 08/24/02
Chapter 248, Statutes of 2002, 08/26/02

SB 857 (Soto) – Route 66 Relinquishment

SUMMARY: This authorizes the commission may relinquish to the City of Fontana and the City of Rancho Cucamonga the respective portion of Route 66 that is located within the city limits or the sphere of influence of each city, upon terms and conditions the commission finds to be in the best interests of the state.

STATUS: Passed Assembly 08/12/02
Passed Senate 08/14/02
Signed by the Governor 08/24/02
Chapter 251, Statutes of 2002, 08/26/02

SB 1533 (Poochigian) - Airport Security: Airport Improvement Grants

SUMMARY: Amended into AB 2630 on 08/30/02.

SB 1636 (Figueroa) – Congestion Management: Infill Opportunity Zone

SUMMARY: This bill would define an infill opportunity zone for purposes of the congestion management program, in counties with a population over 400,000 that include an urbanized area, to mean a specific area designated by a city or county zoned for new compact residential or mixed use development within 1/3 mile of an existing or future rail transit station, a ferry terminal served by either bus or rail transit service, an intersection of at least two major bus routes, or within 300 feet of a bus rapid transit corridor. The transit service shall have maximum scheduled headways of 15 minutes for at least 5 hours per day. The streets and highways in an infill opportunity zone would be exempted from the level of service standards specified in the congestion management program. It would provide that a city or county may not designate an infill opportunity zone after December 31, 2009.

STATUS: Passed Assembly 08/15/02
Passed Senate 08/19/02
Signed by the Governor 09/12/02
Chapter 505, Statutes of 2002, 09/12/02

SB 1768 (Murray) – Regional Transportation Improvement Programs

SUMMARY: This bill would authorize the department to nominate or recommend projects to be included in the regional transportation program to improve state highways using regional transportation improvement funds. The bill would specify that the regional transportation planning agency or county transportation commission has the sole authority to determine whether the projects are included in the regional transportation improvement program.

Would authorize

STATUS: Passed Senate 04/25/02
Passed Assembly 08/20/02
Signed by the Governor 09/11/02
Chapter 472, Statutes of 2002 09/11/02

SB 1834 (Committee on Budget) - Transportation Loans

SUMMARY: Amended 06/24/02. Existing law, the Traffic Congestion Relief Act of 2000, creates the Traffic Congestion Relief Fund (TCRF). Under the act, the Legislature may authorize loans to the TCRF from the State Highway Account, not to exceed a cumulative total of \$180 million, for projects that are eligible for grants from the TCRF. This bill increase the cumulative total of the loan that the Legislature may authorize from the State Highway Account to the TCRF to \$654 million. The bill would require interest to be paid from the General Fund to the TCRF, for transfer to the State Highway Account, on any loan made under these provisions in excess of \$180 million. The bill would additionally allow the Director of Finance to authorize short-term loans from the General Fund to the State Highway Account. The bill would also authorize the Department of Finance to establish the accounting and reporting system used to determine the expenditures, cash needs, and balance in the TCRF, the Public Transportation Account, the State Highway Account, and the Toll Bridge Seismic Retrofit Account.

Existing law creates the State Highway Account in the State Transportation Fund in which are deposited various transportation revenues subject to Article XIX of the Constitution, including fuel tax revenues. The Constitution authorizes loans of these and other related revenues to the General Fund under certain circumstances. This bill would authorize a \$173 million loan from the State Highway Account to the General Fund, to be repaid with interest no later than June 30, 2005.

STATUS: Passed Senate 06/29/02

Passed Assembly 09/01/02

Signed by the Governor 09/09/02

Chapter 445, Statutes of 2002, 09/09/02

SB 1856 (Costa) - High-Speed Train Bond Act of 2002

SUMMARY: Amended 08/28/02. Enacts the High-Speed Passenger Train Bond Act of 2002. The bonds are scheduled to be on the November 2004 ballot and no bonds would be sold before January 1, 2006. The amendments increased the bonding authority from \$9 billion to \$9.95 billion. Nine billion dollars would be used in conjunction with available federal funds and other revenues made available to the authority for the purpose of funding the planning and construction of a high-speed train system segment between San Francisco Transbay Terminal and Los Angeles Union Station. Any remaining funds from the \$9 billion shall be used for planning and eligible capital costs for the following additional high-speed train segments without preference to order:

- (A) Oakland-San Jose.
- (B) Sacramento-Merced.
- (C) Los Angeles-Inland Empire.
- (D) Inland Empire-San Diego.
- (E) Los Angeles-Irvine.

Nine hundred fifty million dollars of the bond proceeds would be available for capital projects on other passenger rail lines to provide connectivity to the high-speed train system and for capacity enhancements and safety improvements to those lines. Twenty percent (\$190 million) of the \$950 million shall be allocated for intercity rail to the Department of Transportation, for

state-supported intercity rail lines that provide regularly scheduled service and use public funds to operate and maintain rail facilities, rights-of-way, and equipment. A minimum of 25 percent of the amount available under this paragraph (\$47.5 million) shall be allocated to each of the state's three intercity rail corridors. **The California Transportation Commission** shall allocate the available funds to eligible recipients consistent with this section and shall develop guidelines to implement the requirements of this section. The guidelines shall include provisions for the administration of funds, including, but not limited to, the authority of the intercity corridor operators to loan these funds by mutual agreement between intercity rail corridors.

Eighty percent of the \$950 million (\$760 million) shall be allocated to eligible recipients, except intercity rail, based upon a percentage amount calculated to incorporate all of the following:

(A) One third of the eligible recipient's percentage share of statewide track miles.

(B) One third of the eligible recipient's percentage share of statewide annual (rail) vehicle miles.

(C) One third of the eligible recipient's percentage share of statewide annual passenger trips.

The California Transportation Commission shall allocate the available funds to eligible recipients consistent with this section and shall develop guidelines to implement the requirements of this section.

STATUS: Passed Assembly 08/29/02

Passed Senate 08/30/02

Signed by the Governor 09/19/02

Chapter 697, Statutes of 2002 09/19/02

SB 1857 (Committee on Transportation) – Transportation

SUMMARY: Amended 08/28/02. Would, among other things, Existing law creates the North Coast Railroad Authority (NCRA) and provides that transportation funds previously allocated by the California Transportation Commission to the NCRA for certain projects under specified allocation resolutions may be used by NCRA for various related transportation projects. This bill would also allow these funds to be used for maintenance of the capital investments made on rail rights-of-way owned by NCRA or rail line easements controlled by NCRA, subject to approval of the commission. The bill would allow the commission to extend otherwise applicable deadlines relating to use of these funds by not more than 20 months under certain conditions, and would require NCRA to report to the Department of Transportation on the use of these funds.

Existing law authorizes the commission, with the consent of the Department of Transportation, to program projects in a region with a population of not more than 1,000,000 at a level higher or lower than a county share, in order to either build up a reserve for a larger project or advance a future share to the present, with the amount of the reserve or advance credited to or deducted from future programming, as the case may be. This bill would extend the county share reservation or advance process to any county with a population of not more than 1,000,000.

This bill would authorize the commission to relinquish the portion of Route 84 within the City of West Sacramento, upon the terms and conditions the commission finds to be in the best interests

of the state. The bill would specify that the relinquishment becomes effective on the day immediately following the day on which the relinquishment is recorded by the county recorder.

Existing law provides special designations for certain state highway segments. This bill would designate a portion of State Highway Route 86 in the County of Riverside as the **Robert A. Wolf Highway**.

Existing law requires a political subdivision to adopt a comprehensive land use plan to provide for the orderly growth of a public airport within its jurisdiction. This bill would change the term "comprehensive land use plan" to "airport land use compatibility plan." The bill would also require that the plan include the area surrounding the military airport and that the plan be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for the military airport.

STATUS: Passed Assembly 08/29/02
Passed Senate 08/31/02
To Governor

SB 1858 (Knight Burton) – Veterans Affairs State Route 480

SUMMARY: Amended 08/26/02. No longer deals with transportation.

STATUS: Passed Assembly 08/30/02
Passed Senate 08/31/02
To Governor

SB 2073 (Johannessen) – Vehicle Dealer Bonds Short Line Railroads

SUMMARY: Amended 08/3/02. No longer deals with transportation.

STATUS: Passed Assembly 08/30/02
Passed Senate 08/31/02
To Governor

SJR 36 (Murray) - Federal Highway Funding

SUMMARY: Supports the efforts of the House of Representatives and the United States Senate to restore federal highway funding for 2003 to the levels anticipated in the Transportation Equity Act for the Twenty-First Century.

STATUS: Adopted by the Senate 03/04/02
Adopted by the Assembly 04/08/02
Resolution Chapter No. 31 04/15/02